



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-5171



March 13, 2003

**LETTER OF DEFICIENCY #WSEB 03-030**

Certified Mail #7099 3400 0003 0690 9847

Marco Gagnon  
Jolly Roger MotoSports Dining Services  
PO Box 333  
Lempster, NH 03605

Subject: Lempster - Public Water System: Jolly Roger MotoSports Park (EPA# 1348030)

Dear Mr. Gagnon:

The records of the NH Department of Environmental Services (DES) show that the Jolly Roger MotoSports Park water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326. Pursuant to Env-Ws 351, the failure to submit a chemical sample within the assigned sampling quarter requires that public notice of such failure be given to all consumers.

DES records show that the subject water system failed to submit the following chemical sample result for the following monitoring period (calendar quarter).

**Quarter 2 – 2002 – Nitrate**

As a result of the failure to submit the above-described sample, a Notice of Violation (NOV), dated **August 9, 2002**, was sent to the system (copy enclosed). The NOV requested that the system immediately submit the above-described sample as a "make-up sample." To date, DES has not received the "make-up sample" result, thus placing the water system in violation of Env-Ws 326. In addition, the NOV requested that public notice concerning the nitrate sampling violation be performed. To date, no proof of public notice has been received by DES, thus placing the water system in violation of Env-Ws 351.

DES believes the monitoring/reporting deficiencies can be addressed by taking the following actions:

**By June 1, 2003**, submit a nitrate "make-up sample" to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the sample to your laboratory; and

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2. **By June 15, 2003**, provide public notice of the failure to submit the Quarter 2–2002 nitrate sample, as specified on the enclosed form; and
- 3 **By June 25, 2003**, provide proof of public notice to DES, as specified on the enclosed form.

In the event compliance is not achieved within this period, DES may take further enforcement action. These actions include issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

**Please note that submission of the 2002 nitrate “make-up sample” does not relieve you of your obligation to submit a 2003 nitrate sample during the second quarter (April – June) of 2003.**

The proof of public notice as requested above should be addressed as follows or faxed to (603) 271-5171:

Jeanne D. Lawson  
Department of Environmental Services  
Water Supply Engineering Bureau  
6 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Please contact Jeanne Lawson at (603) 271-6703 or by email at [jlawson@des.state.nh.us](mailto:jlawson@des.state.nh.us), if you have any questions regarding this letter.

Sincerely,  
  
**COPY**

Anthony P. Giunta, P.G., Administrator  
Water Supply Engineering Bureau

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Encls: Notice of Violation, dated August 9, 2002  
Analysis Request Form  
Public Notice Form

cc: Gretchen Rule, DES Legal Unit (w/o encl.)  
Lynn Lagasse, Town of Lempster Health Officer (w/o encl.)  
Justin Shaw, Sampling Agent (w/o encl.)  
Jeanne D. Lawson, DES WSEB  
EPA, Region 1 (w/o encl.)